

DRAFT NEGATIVE DECLARATION

The following proposed project has been reviewed, pursuant to the provisions of Resolution No. 3231, as amended, of the City Council of the City of Fremont for the purpose of determining the likelihood of a significant adverse environmental impact occurring as a result of project completion.

NAME OF PROJECT: Silevo Hazardous Materials Conditional Use Permit

PROJECT NO.: PLN2015-00148

DESCRIPTION OF PROJECT: The applicant (Silevo, Inc.) is proposing to establish and operate a solar panel and photovoltaic cell research and development facility at an existing two-building industrial campus located at 47700 Kato Road and 1055 Page Avenue in the I-R Restricted Industrial zoning district. The solar panel design and manufacturing process requires the use of various hazardous materials, including inert cryogens, toxic, pyrophoric, and flammable gases, and corrosive, toxic and water-reactive liquids. In this case, the proposed quantities and types of chemicals that would be used on the site would constitute Silevo as a Large User of Hazardous Materials engaged in the storage and handling of Group “A” chemicals pursuant to Section 18.190.220 of the Fremont Municipal Code (FMC), High Intensity Hazardous Materials Uses. In accordance with FMC Section 18.190.220(f), a Conditional Use Permit is required to allow a Large User of Group “A” chemicals to locate in the I-R zoning district.

LOCATION OF PROJECT: 47700 Kato Road and 1055 Page Avenue, Fremont, 94538 (APN: 519-1010-130-01)

GEOGRAPHIC LOCATION WITHIN CITY: Bayside Industrial Community Plan Area

NAME OF AUTHORIZED AGENT OF APPLICANT: Silevo, Inc. c/o: Melissa McMorro (mmcmorrow@solarcity.com, 650-963-5822)

MAILING ADDRESS OF APPLICANT OR AGENT: 3055 Clearview Way, San Mateo, CA 94402

TYPE OF ENTITLEMENT SOUGHT: Conditional Use Permit

EXPLANATION OF REASONS FOR THE FINDING: The Lead Agency has determined that the proposed project will not have a significant impact on the environment. The proposal would include containment and mitigation systems in the form of sealed gas cabinets surrounding the storage tanks which pass through restrictive flow orifices that ultimately connect to a wet exhaust scrubber. Emergency shutoff valves would also be installed with sensors that monitor gas levels throughout the containment system, along with emergency power back-up generators which activate within seconds of a power outage to ensure that the monitoring systems continue operating at all times. These monitoring and containment systems will ensure that any accidental spills, leaks or explosions are contained to the maximum extent feasible and do not pose a significant risk to sensitive receptors.

Public Hearing: The Planning Commission is scheduled to consider this project at its March 12, 2015 public hearing. Planning Commission hearings are held in the City Council Chambers located at 3300 Capitol Avenue, Fremont, 94538. Copies of all environmental documents are available for review at the Planning Division located at 39550 Liberty Street, Fremont, 94538.

Any comments as to whether this draft Negative Declaration should become final or whether an EIR should be prepared for the project must be submitted within 20 days of the posting of this draft Negative Declaration. **The comment period begins February 18, 2015 and ends March 10, 2015.**

If this draft Negative Declaration becomes final by any approval agency other than the City Council, any person who wishes to protest such final action must do so within ten days of the date it becomes final by the filing of a written protest with the City Clerk and by payment of the required protest fee. If this draft Negative Declaration becomes final by City Council action, any person who disagrees with Council action may seek judicial review.

Posted within the Development Services Center on February 18, 2015.

Notice of Determination to be sent to:

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|--------------------------|---|-------------------------------------|---------------|
| <input type="checkbox"/> | Posting of Notice | <input checked="" type="checkbox"/> | County Clerk |
| <input type="checkbox"/> | Mailed to owners of contiguous property | <input type="checkbox"/> | Clearinghouse |
| <input type="checkbox"/> | Publish notice | | |

IF THERE ARE ANY QUESTIONS OR COMMENTS, PLEASE CONTACT:

Stephen Kowalski	Associate Planner	(510) 494-4532
NAME	TITLE	PHONE NUMBER
